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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 20 October 2004 from the Permanent Mission of Lebanon to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Lebanon to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and, in reference to its letter of 21 June 2004, has the honour to transmit herewith Lebanon's first report on preventing non-State actors from possessing weapons of mass destruction (see annex).

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Annex to the note verbale dated 20 October 2004 from the Permanent Representative of Lebanon to the United Nations addressed to the Chairman of the Committee

[Original: Arabic]

Lebanese Republic
Ministry of Foreign Affairs and Emigrants

First report of Lebanon to the Security Council Committee established pursuant to resolution 1540 of 28 April 2004

1. Lebanon fully agrees with the provision in Security Council resolution 1540 (2004) that "proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security" that entails the "need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction".

2. Lebanon considers that tightened control by the international community of the proliferation of weapons of mass destruction represents the right approach to preventing any such weapons, their components, the related technology, their means of delivery, production, storage, development, transport, transfer or use or trade in them from reaching any "non-State actors", especially terrorist organizations.

3. Lebanon therefore reaffirms its unwavering commitment to a policy of prevention of the proliferation of weapons of mass destruction. It strongly believes in and continually calls for making the Middle East a zone free of weapons of mass destruction, in particular nuclear weapons, and considers any threat of use of such weapons unlawful.

4. Based on its position of strong support for the prevention of the proliferation of weapons of mass destruction and its categorical rejection of their use for terrorist purposes by non-State-actor organizations, Lebanon supports resolution 1540 (2004) and appreciates the efforts that led to its adoption. It manifests its readiness to take the necessary steps, in cooperation with the international community, within the United Nations framework, in order to participate in the implementation of the resolution.

5. Accordingly, Lebanon has concluded a number of international treaties relating to the prevention of the proliferation of weapons of mass destruction and to counter-terrorism, such as:

- The Treaty on the Non-Proliferation of Nuclear Weapons;
- The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction;
- The Convention on the Physical Protection of Nuclear Materials;
- The Convention on the Marking of Plastic Explosives for the Purpose of Detection;

- The Convention on Offences and Certain Other Acts Committed on Board Aircraft;
- The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
- The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents;
- The International Convention against the Taking of Hostages;
- The Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;
- The Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation;
- The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.

Lebanon is studying the possibility of acceding to other, related, international conventions, such as:

- The International Convention for the Suppression of Terrorist Bombings;
- The International Convention for the Suppression of the Financing of Terrorism.

6. Lebanon, taking note of the provisions of resolution 1540, in particular its paragraphs 1 to 3, affirms that, as is well known, there are no weapons of mass destruction within its territory.

7. In respect of paragraph 1 of the resolution, Lebanon reports that it has not provided any assistance of any kind whatsoever to any group that seeks to manufacture, develop, acquire, possess, transport or use nuclear, chemical or biological weapons, their means of delivery or their components or to trade in them.

8. In respect of paragraph 2 of the resolution, Lebanon reports that, inasmuch as no weapons of mass destruction exist within its territory and it has no intention of acquiring such weapons, Lebanese national law makes no reference to that question. It should be mentioned, however, that the relevant international conventions to which Lebanon has become a party and which have been mentioned above have the force of law and, under the Lebanese Constitution, are higher than national law. It should be mentioned that the Lebanese act promulgated on 11 June 1958 provides that "any terrorist act" shall be punishable by "hard labour for life, and the penalty shall be execution if the terrorist act results in the death of a human being or the destruction of a building that has been erected in whole or in part, or if it results in the demolition, even partial, of a public building, industrial establishment or other installation or a ship or the disablement of communication or transport means". Lebanese law defines terrorist acts as "all acts intended to cause a state of terror and committed by means such as explosive devices, inflammable substances, poisonous or incendiary products or infectious or microbial agents that are of such nature as to cause a public danger".

9. Concerning paragraph 3 of the resolution, Lebanon emphasizes that the security and customs procedures applied in all ports and at all border crossing points guarantee the impossibility of introducing such weapons or any other weapons

illegally. Within this context, the public prosecutor's offices and public security and customs authorities coordinate and cooperate with one another with a view to tightening control operations so as to prevent the entry or transit of any such weapons or materials or any trafficking in them in accordance with the applicable laws and regulations.

10. Lebanon states its willingness to develop its existing legislative system and draft new laws and regulations to permit the control of the export, transit and cross-border transport of weapons of mass destruction of any kind and related items and the prevention of trafficking in them. Lebanon welcomes assistance in implementing the provisions of the resolution, as provided in its paragraph 7.

11. In addition, Lebanon is currently considering a proposal for the establishment of a national committee of the Ministry of Defence, the Ministry of Interior and Municipalities and the Ministry of Justice under the supervision of the Ministry of Foreign Affairs and Emigrants, to follow up, in accordance with those ministries' respective spheres of competence, on the implementation of the provisions of the resolution and to coordinate the drafting of the required reports to be filed with the committee charged with monitoring the implementation of resolution 1540. The new committee will presumably be charged with drafting a comprehensive plan for the development and updating of the legislative and procedural systems in keeping with the requirements of the resolution. This will include the preparation of the national lists called for by article 6 of the resolution.

12. It is a major concern of Lebanon's to confront, in full cooperation with the international community, within the framework of the United Nations and regional organizations, the challenge posed by the possession of weapons of mass destruction by non-State-actor organizations. This type of cooperation, Lebanon believes, is the right way to forestall the danger posed by such possession.

13. Within this framework, in keeping with the principle of greater dialogue and cooperation on the question of non-proliferation of weapons of mass destruction and in view of the danger that such weapons represent in general, Lebanon, believing in multilateral cooperation with a view to achieving the objective of non-proliferation, cooperates at the international and regional levels in the joint effort to curb the proliferation of such weapons among States and, a fortiori, non-State-actor organizations.

14. Lebanon's multilateral participation at the regional level consists in its contribution to the efforts exerted by the League of Arab States to fight international terrorism and bolster efforts to prevent the proliferation of weapons of mass destruction, in compliance with international resolutions and in the effort to making the Middle East a zone free of such weapons.

15. Indeed, Lebanon participated, in the context of the one hundred and first session of the Council of the League of Arab States, held in 1994, in the formation of an intergovernmental committee on the drafting of a convention on making the Middle East a zone free of weapons of mass destruction. It has also striven assiduously, along with the other League members, to submit to the United Nations General Assembly each year a draft resolution on "the risk of nuclear proliferation in the Middle East". In parallel with this, the Arab States attempt every year to submit to the International Atomic Energy Agency (IAEA) in Vienna a draft resolution on the dangers of Israel's nuclear capacity for the Middle East region.

Those steps show the concern of the Arab countries, including Lebanon, and the dangers involved in Israel's possession of weapons of mass destruction, particularly since Israel refuses any monitoring of its nuclear arsenal and installations by IAEA and has not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons, to which every Arab country, including Lebanon, has acceded.

16. Lebanon affirms its total willingness to complete, through the national committee currently being set up, any information or measures that may be requested by the Security Council Committee charged with the follow-up of the implementation of resolution 1540.